

**CITY PLANNING COMMISSION**  
**317 City Hall**  
**Minneapolis, Minnesota 55415**

**Hearing held on Monday, July 7, 2003**

**2106-2218 East Lake Street (BZZ-421, Ward 9)**

**Jason Wittenberg** presented the Staff Report.

The applicant C. Rex Rice (Rice Associates) has applied for a site plan review for the Hi-Lake Center, on existing shopping center located on the north side of East Lake Street between 21<sup>st</sup> Avenue South and Hiawatha Avenue (2106-2218 East Lake Street).

**Commissioner MacKenzie:** Question regarding the alley side of the building and can the location be pointed out?

**Jason Wittenberg:** There is currently a public alley and Public Works had indicated in the preliminary plan review that that alley access must be closed. They have proposed a decorative fence in that location to match the decorative fence and wall along Lake Street.

**Commissioner MacKenzie:** Do we have any information regarding lighting against that side of the building.

**Jason Wittenberg:** No information was submitted.

**Commissioner MacKenzie:** That may be something for us to look at, it's not a place where most people would go because of the LRT. We should incorporate lighting into the conditions.

**Commissioner Krause:** The Green Institute is the second largest tenant in this property, so I will not be participating in the discussion or the vote. But I did have one procedural question, there is a piece of correspondence from Specialty Systems dated October 2001 that says that the East Phillips Neighborhood was unique in that it was all commercial with no residential properties. The question is whether this has been before the neighborhood group, they would be quite shocked to know that there was no residential properties.

**Jason Wittenberg:** I know that the applicant has been in touch with East Phillips and whether or not they been able to have a full meeting at this point, I don't know.

**Commissioner Krause:** This property is very important to the neighborhood and they are conscientious about commenting, so I thought it was unusual that there was no comment from them.

**Commissioner Young:** It is my understanding that the East Phillips Improvement Coalition has a new staff person that did not understand that when the Rice Associates called about this issue that she was then to take it to the organization and get it on the agenda. When I asked about this I was told that part of the problem here is that this came before everybody 18 months ago. This process was started a long time ago, so the Rice Family might have thought they came before us a couple of years ago and that that was fine – but things have changed. That was then, this is now. The train is about to hit the track. There has been a lot of planning going on regarding Lake Street with the new revitalization. So, there will be RFP going out this fall, which Jason reported. My comments are that, if you look at the pictures of the alley-way and the corner to the alley there are no lights. There have been numerous homeless people that have slept in the former Green Institute site before there was a building there and in the back behind Savers. There used to be a Good Will there and these trash cans looked a lot worse than they do now, they have been improved somewhat. I do see people especially on that 21<sup>st</sup> Street side on the steps – people hanging out and being in those corners. In regards to the former Burger King lot, when Jason states that this could be parking, plaza or something, that is another place that is considered a trash pit. A ton of trash ends up there and because they don't have a plan at this time this makes me nervous and it seems that it should be a part of this landscaping plan to get it up to the 20%. I am appalled that this site of all sites should get the reduction when in fact we are hoping that it is a destination site. We are trying to make Hiawatha and Lake the place where everyone comes when they stop off on the train and we want this to look nice and beautiful. Which leads me to another part of the landscaping plan where they talk about adding trees and over a period of time those trees could provide shading. It takes trees a while to grow and provide shade, so even though we are allowing this two year cycle to allow for other development that leads to the next question of, if they are allowed two years to wait to see what other developments are happening, what kind of current investments are they going to actually make? I know that the Green Institute and before them, there are other businesses that they have been promised that that shopping center would be made to look better over, and over and over again. So, will they take this as a two-year pause or will they really try to improve the facade? I wasn't sure about the handicap drop off lanes, because there are areas for people to be dropped off. It is not clear about having the addition of the drop off lane.

**Jason Wittenberg:** To clarify, Commissioner Young, the lanes that I was referring to are required by the State Accessibility Code, where the parking spaces must be at least 8 feet wide and then have an accessible lane right next to them. Some of those need to be 8 foot wide for Vans. Some of them would be 5 foot lanes which do not have to be van accessible.

**Commissioner Young:** I would like to point out to my fellow commissioners that the Rices are promising benches, planters and refuse containers. However, I want to remind commissioners that three years ago the business association purchased planters and businesses put out planters themselves, because there have always been promised planters and benches that have never been. So, being a staff person for the business association

and being a resident, I have deep concerns about this plan being real, and why they would be making this investment. When we all know that within two to five years there will be hopefully massive changes being made in that area. That parking lot is not full but two or three times per year, Friday after Thanksgiving, Christmas, the big shopping days. I am not understanding why more islands could not be put in there and I know we have our requirements, but I would rather change the parking requirement and have more islands put in, than to change the landscaping part. There is no landscaping down by the liquor store, which is the closest to the LRT stop, where we should try to make the prettiest part there is nothing in the proposal. So, those are my comments, I don't know if they are enough to influence anyone to change their mind on approving this. I do know that there is a representative from the business association present and maybe he'll speak.

**Commissioner Schiff:** I realize that we haven't opened the Public Hearing yet and we need to do that soon, but I have two questions for Mr. Wittenberg. On the southeast corner there is something identified as the new landscaping wall and identified as temporary. Is that 8 foot landscaping wall of the southeast interior of the property? This is on the site of the former Burger King.

**Jason Wittenberg:** Southwest corner – that was overlooked. That should not be there.

**Commissioner Schiff:** Okay. If I was reading that correctly, I would think that they were intending to parceling off the former Burger King site with a new wall.

**Jason Wittenberg:** I think in the preliminary plan review meeting both Public Works and Licensing indicated that something would have to be done to that site in the interim before it is developed. To help keep people from driving across the dirt and that may have been their intent there, but I can work with them on something other than an 8 foot landscape wall.

**Commissioner Schiff:** The next question I had regards the drive aisles I am seeing which are 24 feet and could go the minimum of 22 feet, so there is a little bit of extra space we could squeak out to increase the landscaping.

**Jason Wittenberg:** I believe the stalls are 19 rather than 18.

**Commissioner Schiff:** When vacancies accrue in the shopping center, for example when Pizza Hut was vacant. At that point that the new approvals granted the site would be checked to see if it had adequate parking, so our actions today reduce the parking spaces by meeting the landscaping requirements those businesses as they move into vacancies would properly come before the Zoning Board of Adjustment to seek parking variances in the future.

**Jason Wittenberg:** I believe the restaurant tenants are currently there. I am not sure of how many vacancies there are in the center right now.

**Commissioner Schiff:** There are a few. So that is the procedure, everyone there today gets to stay. If the parking spaces are reduced then when those new uses come in to take their spot then they would have to apply for variances.

**Jason Wittenberg:** That could be the situation if you were to create a landscaping requirement that would put them below their parking requirement for the center at full occupancy and it is not full occupancy right now, then yes, that may be the case if new businesses were to move in they would essentially be required to get a parking variance.

**Commissioner Schiff:** Given that this is a pedestrian overlay district what are the requirements on the existing poll mounted signs when going through site plan review?

**Jason Wittenberg:** They are essentially nonconforming and the policy on poll signs that are nonconforming is that you can change the face and the copy of those signs. You can't replace them.

**Commissioner Schiff:** We wouldn't make them go through, to make them conforming, make the whole site conforming to the site plan standards?

**Jason Wittenberg:** I can recall one case where someone was planning to put up new poll signs and we told them they had to be monument signs. I don't recall the Commission telling people to remove legally nonconforming poll signs. However, you may have.

**The public hearing was opened.**

**President Martin:** Closed Public Hearing – no one in audience to speak about this item.

**Commissioner Schiff:** I was able to track down the neighborhood notification on this earlier today and did figure out that the neighborhood was technically notified. When the applicant called and had a conversation with the staff person. Given that this is site plan, I don't think that delay is necessarily in order because they did meet their requirements by notifying about the site and it seems like a staff error from the neighborhood organization that this didn't get brought to their board or committee meeting. In any case we don't require that the applicants actually sit down with neighborhood organizations, but that they just notify them. I would like to move approval with a few changes. I would like to ask staff to address lighting on the east side of the site and to make sure there is additional lighting provided for both crime prevention purposes on the east side of the site along what is technically called an alley. I am not addressing 29<sup>th</sup> Street East just along the alley in between where the shopping center interface with the light rail station. Secondly, on the site plan approval item #2, increase the 5% to 20% of the site will be landscaped. And change to #11, the date of compliance to 2004.

Motion was seconded by: Commissioner Young

### **Further Discussion**

**Commissioner Young:** I have one question, but I am not sure that if this is your subject. I see the Reuse Center with a whole new façade without the use of the corporations or programs own lettering. Can we make some kind of addition here to work with their tenants on some of this? Out of respect to the tenants if they are really going to do something with the façade they need to talk to them about it.

**President Martin:** Commissioner Young, I think we can ask that they do that, but since they actually own the property, they can do whatever they want with it.

**Commissioner Mackenzie:** I have concerns about requiring a 20% landscape component given what Mr. Wittenberg has told us about existing centers trying to upgrade. I don't know whether additional information about other centers; Minnehaha Mall is across Hiawatha what is their site percentage for landscaping? I can see at least going for 10%, but 20% seems like they are never going to get there.

**Commissioner Lashomb:** My initial reaction is that, I was hoping that this whole piece of real estate would be knocked down or maybe the way to put it and I don't want to sound offensive is that maybe the fire was on the wrong part of Lake Street a few weeks ago. But I am a little nervous about having people make substantial improvements on this property by 2004 when I would like to believe in my heart that this whole piece of property will be redeveloped and that pretty much everything that is there will not be there, so I have a lot of trouble supporting the idea that we are going to ask for 20% and then three years down the road maybe be pulling it all out of there by bulldozer or something. It is a piece of property that I would not put a lot into, and the fact that they want to do it is their choice. But I am going to oppose this simply because making an investment on this property when we don't know what MCDA is really going to do with it, is not in my opinion a smart thing to do. I just think that we should let them do the minimal things they think they need to do on the assumption that in two, three years whatever they do is not going to be there.

**Commissioner Schiff:** I disagree with my colleague and I ask you to think about this from the applicants perspective. They have had feuds with some of their tenants including Pizza Hut who have left, Hancock Fabrics who have left and now they are seeking to fill those vacancies. And what is holding them up is site plan compliance. If they comply with site plan they get to lease those properties again. They have no interest in redeveloping this property and the city does not have the resources for invoke eminent domain. I don't think we have the resources to do an RFP at this point. The MCDA staff may have optimistically told the Planning Staff on this property; if we do an RFP then we are implying that we are attracting developer interest and then we are going to follow through on site acquisition – we are broke! We can't afford this, so realistically we are looking at a site that is adjacent to the flagship/light rail station and the whole Hiawatha line is going to be used as a strip mall for five to ten years. There are major storm water

issues, this site is a major contributor to our problem with CSO (Combined Sewer Overflow) problems. That was originally one of the biggest problems that kept them from pulling a site plan.

End of Tape.

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**Motion:** The City Planning Commission adopted the findings and **approved** the site plan review application for the existing shopping center and freestanding restaurants located at 2106-2218 East Lake Street subject to the following conditions:

- 1) Bicycle racks, waste receptacles, and benches shall be provided within fifty (50) feet of every customer entrance to the shopping center.
- 2) **Not less than fifteen (15) percent of the net site area shall be landscaped.**
- 3) The perimeter of the parking lot shall be landscaped and screening to comply with section 530.160 of the zoning code. Shrubs fronting along the public sidewalk shall be trimmed to approximately three (3) feet in height to allow adequate visibility.
- 4) Accessible parking spaces shall meet the Uniform Building Code standards for the parking spaces and access aisles.
- 5) Refuse enclosures shall be screened as required by section 535.80 of the zoning code. The Planning Department shall review and approve elevations of the refuse enclosures and any new fences on the site.
- 6) Asphalt shall be removed from the public right of way along 29<sup>th</sup> Street and replaced by turf or landscaping except as allowed by the Public Works Department.
- 7) The applicant shall work with the Planning Department and the Public Works Department to optimize the pedestrian connection between the site and the adjacent LRT station.
- 8) The applicant shall submit a comparison of the existing percentage of the façade covered by windows and the proposed percentage of the façade to be covered by windows. The window area shall not be reduced from the existing condition or below forty (40) percent of the street facing façade, whichever is less.
- 9) The Planning Department shall review and approve the final site plan, landscaping plan, and building elevations. The final landscaping plan shall contain a detailed plant schedule, planting details, and maintenance plan.
- 10) If improvements required by Site Plan Review exceed two thousand (2000) dollars, the applicant shall submit a performance bond in the amount of 125 percent of the estimated site improvement costs by September 20, 2003, or the permit may be revoked for non-compliance.
- 11) Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by July 7, 2004, unless extended by

the zoning administrator, or the permit may be revoked for non-compliance.

- 12) The applicant shall ensure that the eastside of the shopping center is adequately lighted.
- 13) The proposed eight (8) foot landscape wall shall not be incorporated in the final site plan.